

**NATURAL RESOURCE COMMISSION[571]**

**Notice of Intended Action**

**Proposing rule making related to waterway zoning  
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6), 462A.26(2) and 462A.32(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 462A.26 and 462A.32.

*Purpose and Summary*

Chapter 40 contains rules governing water navigation, specifically vessel speed and distance zoning. This proposed rule making would amend subrule 40.31(2). This subrule designates a five-mile-per-hour boating speed zone on East Okoboji Lake in the area known as the Narrows. The Narrows, as its name indicates, is a location where the lake is severely constricted by a large point protruding from the northeast. Currently, the speed zone is defined as an area extending 300 feet north and 200 feet south of the Narrows and is marked on the water using lines of buoys. The purpose of the zone is to reduce the speed of boat traffic for safety purposes and to reduce shoreline erosion caused by boat wakes. The amendment would extend the speed zone an additional distance of approximately 800 feet from the existing south boundary to a buoy line extending from the point at 16486 255th Avenue east to the state property adjacent to 16313 256th Avenue on the east side of East Okoboji Lake. This extension will help further reduce shoreline erosion, which is an ongoing problem in this area.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa as it requires no additional revenues or staffing to implement. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

*Waivers*

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 26, 2021. Comments should be directed to:

Greg Harson  
Iowa Department of Natural Resources  
122 252nd Avenue  
Spirit Lake, Iowa 51360  
Fax: 712.336.0921  
Email: [gregory.harson@dnr.iowa.gov](mailto:gregory.harson@dnr.iowa.gov)

### *Public Hearing*

A public hearing at which persons may present their views orally will be held by conference call as follows. Persons who wish to attend the conference call should contact Greg Harson at [gregory.harson@dnr.iowa.gov](mailto:gregory.harson@dnr.iowa.gov). A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Greg Harson prior to the hearing to facilitate an orderly hearing.

May 26, 2021  
6 p.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 40.31(2) as follows:

**40.31(2)** Zone 2. Zone 2 shall be the area which is 300 feet north of the area commonly known as the Narrows on East Okoboji and 200 feet south of the area commonly known as the Narrows on extends to a southern boundary of a buoy line from the point at 16486 255th Avenue east to the state property adjacent to 16313 256th Avenue on the east side of East Okoboji.